

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

Indictment

-v.-

:

14 Cr. 305

BRIAN FANELLI, :

Defendant. :

- - - - - x

COUNT ONE

The Grand Jury charges:

1. From at least in or about October 2013 through in or about January 2014, in the Southern District of New York and elsewhere, BRIAN FANELLI, the defendant, knowingly received and distributed material that contained child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, FANELLI received and distributed electronic files containing images of child pornography from a computer in Westchester County, New York over the Internet via a peer-to-peer networking program.

(Title 18, United States Code, Sections 2252A(a)(2)(B)  
and (b)(1).)

COUNTS TWO AND THREE

The Grand Jury further charges:

2. On or about the dates listed below, in the Southern District of New York and elsewhere, BRIAN FANELLI, the defendant, knowingly possessed, and accessed with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, to wit, FANELLI possessed in his residence in Westchester County, New York images of child pornography that he had downloaded from the Internet.

<u>Count</u>	<u>Date</u>	<u>Number of Videos Containing Images of Child Pornography</u>
Two	November 9, 2013	1
Three	January 3, 2014	2

(Title 18, United States Code, Sections 2252A(a)(5)(B)  
and (b)(2).)

Forfeiture Allegation

4. The allegations contained in Counts One through Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

5. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2252A, the defendant, BRIAN FANELLI, shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

6. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court

d. has been substantially diminished in value;  
or

e. has been commingled with other property  
which cannot be divided without difficulty,

the United States of America shall be entitled to  
forfeiture of substitute property pursuant to Title 21, United  
States Code, Section 853(p), as incorporated by Title 18, United  
States Code, Section 2253(b) and by Title 28, United States  
Code, Section 2461(c).

(Title 18, United States Code, Section 2253; Title 21, United  
States Code, Section 853(p); and Title 28, United States Code,  
Section 2461.)



FOREPERSON



PREET BHARARA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

BRIAN FANELLI,

Defendant.

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INDICTMENT

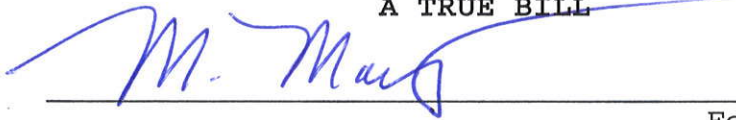
14 Cr. 305

(18 U.S.C. §§ 2252A(a)(2)(B),  
(a)(5)(B), (b)(1), (b)(2) & 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL



Foreperson.

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